SUMMARY

On August 24, 2013, Reporting Party [redacted] called Santa Clarita Valley Station Watch Commander Sergeant Brian Allen and filed a complaint (Watch Commander Service Comment Report #232323) against Subject Deputy Jorge Garcia. The complaint, which was categorized as Personnel Complaint/Harassment, was investigated by Sergeant Allen (Exhibit A).

During the investigation of the complaint, Mr. [redacted] told Sergeant Allen that earlier that day, an on-duty deputy, who was later identified as Deputy Jorge Garcia, came to his home at [redacted]. The deputy told Mr. [redacted] to stay away from his (Garcia's) [redacted] who was later identified as [redacted] [redacted] works at "7-Eleven," [redacted].

Mr. [redacted] told Sergeant Allen that Deputy Garcia was accompanied by another officer during the incident, and that officer was present and heard what had transpired. After checking the PM in service, Sergeant Allen determined that the other "officer" was Sheriff Explorer [redacted] who was assigned to ride with Deputy Garcia on that shift.

During the interview between Sergeant Allen and Mr. [redacted] story of what was said changed a few times. When retelling what was said by Deputy Garcia, [redacted] changed his version to add that Garcia was yelling at him, and he had his hand on his gun. [redacted] also added that Garcia said, "Stay away from [redacted] or I will fuck you up."

> **Investigator's Note:** a review of the taped interview between Sergeant Allen and Mr. [redacted] showed that [redacted] was evasive with his answers, and he did change his answers to what Deputy Garcia said.

On September 4, 2013, Sergeant Allen called Sheriff Explorer [redacted] [redacted] on a taped telephone line. [redacted] told Sergeant Allen that he was riding with Deputy Garcia that

night, and he did remember the incident. [redacted] said that he and Deputy Garcia knocked on Mr. [redacted] door and Deputy Garcia and [redacted] had a conversation. [redacted] said that Deputy Garcia asked [redacted] why he was bothering the girl [redacted]) who worked at the 7-Eleven store. Deputy Garcia told [redacted] that neither the owner nor [redacted] wanted him at the store, and if he did not stay away, he could have [redacted] sign a private person's arrest form and he could be taken to jail.

Explorer [redacted] said Deputy Garcia also told Mr. [redacted] that he ([redacted] was talking trash about him (Garcia). Sergeant Allen asked Explorer [redacted] to clarify what he meant by "talking trash." [redacted] said that [redacted] was texting [redacted] and had referred to Deputy Garcia as a "coward," and he was "nothing."

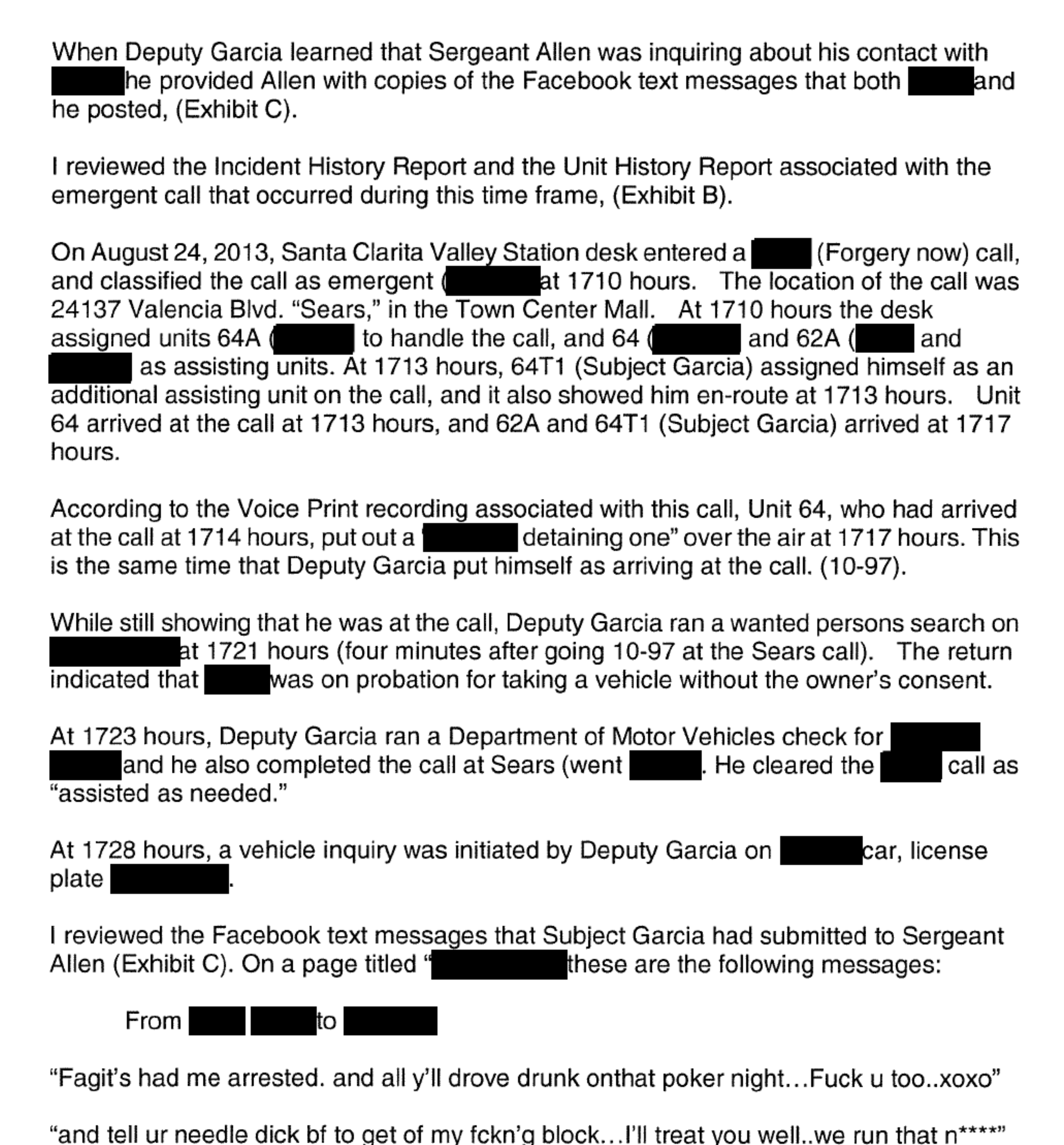
Sergeant Allen asked Explorer [redacted] if he and Deputy Garcia spoke with [redacted] at 7-Eleven prior to going to [redacted] house. [redacted] said they did meet [redacted] at 7-Eleven and they spoke, but Deputy Garcia and [redacted] spoke in Spanish, so he does not know what was said. Deputy Garcia and he went to [redacted] house after leaving 7-Eleven.

Sergeant Allen asked Explorer [redacted] if he heard Deputy Garcia tell [redacted] he would "fuck him up." [redacted] said he did not hear Garcia say that. Allen asked [redacted] if he heard any cursing. [redacted] said Deputy Garcia asked [redacted] why he was "talking shit" about him (referring to the text messages).

Sergeant Allen asked Explorer [redacted] if he remembered that an emergent call (Forgery Now call, tag 232) went out over the radio during that time. [redacted] said that he did remember hearing the call, and that they (he and Deputy Garcia) assigned themselves to the call and were headed toward "Sears" when a "Code-4" was put out regarding the call. After hearing the "Code-4," they went to 7-Eleven.

On September 4, 2013, Sergeant Allen called [redacted]. [redacted] told him that [redacted] was bothering her at the 7-Eleven where she works. [redacted] came to the store three times and he was drunk. [redacted] said her boss "[redacted]" told her that [redacted] was crazy and she should be careful. She said she knows [redacted] because he frequents the store and she "friended" him on Facebook. [redacted] said after [redacted] left the store the last time, he started texting her. She told [redacted] she has a friend who is a cop, hoping that he would stop texting her. She said [redacted] did not care, and he continued to send her rude texts and he was posting videos on her Facebook "wall."

When [redacted] informed her boss about [redacted] still texting her and that she was scared, her boss called Deputy Garcia and asked him to contact [redacted] to tell him to stop bothering her and to tell him not to return to 7-Eleven. [redacted] said that since Deputy Garcia talked to [redacted] he has left her alone.



When Deputy Garcia learned that Sergeant Allen was inquiring about his contact with [redacted] he provided Allen with copies of the Facebook text messages that both [redacted] and he posted, (Exhibit C).

I reviewed the Incident History Report and the Unit History Report associated with the emergent call that occurred during this time frame, (Exhibit B).

On August 24, 2013, Santa Clarita Valley Station desk entered a [redacted] (Forgery now) call, and classified the call as emergent ([redacted] at 1710 hours. The location of the call was 24137 Valencia Blvd. "Sears," in the Town Center Mall. At 1710 hours the desk assigned units 64A ([redacted] to handle the call, and 64 ([redacted] and 62A ([redacted] and [redacted] as assisting units. At 1713 hours, 64T1 (Subject Garcia) assigned himself as an additional assisting unit on the call, and it also showed him en-route at 1713 hours. Unit 64 arrived at the call at 1713 hours, and 62A and 64T1 (Subject Garcia) arrived at 1717 hours.

According to the Voice Print recording associated with this call, Unit 64, who had arrived at the call at 1714 hours, put out a "[redacted] detaining one" over the air at 1717 hours. This is the same time that Deputy Garcia put himself as arriving at the call. (10-97).

While still showing that he was at the call, Deputy Garcia ran a wanted persons search on [redacted] at 1721 hours (four minutes after going 10-97 at the Sears call). The return indicated that [redacted] was on probation for taking a vehicle without the owner's consent.

At 1723 hours, Deputy Garcia ran a Department of Motor Vehicles check for [redacted] and he also completed the call at Sears (went [redacted]. He cleared the [redacted] call as "assisted as needed."

At 1728 hours, a vehicle inquiry was initiated by Deputy Garcia on [redacted] car, license plate [redacted].

I reviewed the Facebook text messages that Subject Garcia had submitted to Sergeant Allen (Exhibit C). On a page titled "[redacted] these are the following messages:

From [redacted] [redacted] to [redacted]

"Fagit's had me arrested. and all y'll drove drunk onthat poker night…Fuck u too..xoxo"

"and tell ur needle dick bf to get of my fckn'g block…I'll treat you well..we run that n****"

"Fck that faggit cop #garrit..u kneed to role w/ real people"

"I played golf in the scv tournament w/him.. he was all up on the Laker girl's.. ur better than that"

> Subject Garcia's Reply; "Hey [redacted] this is the scv cop, you better stop this texting or I will look for him an arrest your ass for [redacted]"

On the second page titled "[redacted] [redacted] are the following messages:

"nothing I txt u was a "threat" #Myfam"

"[redacted]"

"[redacted]

> Subject Garcia's Reply; "But you are harassing my gf you asshole and u are scaring her so I do not want to see you here anymore"

WITNESS INTERVIEW: [redacted]

On October 30, 2013, I, Lieutenant Tom Bryski, interviewed Witness [redacted] by use of a taped telephone line. The following is a summary of that interview.

Mr. [redacted] (7-Eleven store manager) said that on August 24, 2013, Deputy Garcia came to the 7-Eleven store, and he talked to him. [redacted] told Deputy Garcia that [redacted] was bothering his employee, [redacted] and he asked Deputy Garcia if there was something that he could do about it. I asked Mr. [redacted] if Mr. [redacted] was intoxicated when he was in the store, and he said that [redacted] usually is drunk when he comes to 7-Eleven. Mr [redacted] said that since Deputy Garcia talked to Mr. [redacted] he hasn't seen [redacted] back in the store.

On January 6, 2014, I called Witness [redacted] back to clarify part of his statement. I asked Mr. [redacted] how he communicated with Deputy Garcia regarding Mr. [redacted] He said it happened a while ago and he can't remember all of the details. He said after [redacted] told him what happened regarding [redacted] [redacted] he told [redacted] to either notify the Sheriff Station or "George" (Jorge Garcia) to report what happened. He said he thought that [redacted] called George. When George arrived at the store, both he and [redacted] told him what happened. I asked Mr. [redacted] if he asked George (Deputy Garcia) to do anything about the Mr. [redacted] incident. He said, "Not really." He added that he just told the deputy what had gone on between Mr. [redacted] and [redacted]

WITNESS INTERVIEW: "[redacted]

On January 5, 2014, I, Lieutenant Tom Bryski, interviewed Witness [redacted] by use of a taped telephone line. The following is a summary of that interview.

Ms. [redacted] was working at 7-Eleven on August 24, 2013, when [redacted] came into the store. [redacted] was intoxicated and he was being aggressive and rude to her. [redacted] had been in the store two other times that day. Ms. [redacted] also had contact with [redacted] when he began to text her on her Facebook page. Ms. [redacted] said that when she told her boss (Witness [redacted] [redacted] about [redacted] being intoxicated and bothering her, [redacted] told her to notify "someone."

Witness [redacted] initially said that she called Deputy Garcia, and then she changed her story. Witness [redacted] then said when Jorge Garcia stopped into 7-Eleven to visit her, both she and [redacted] told Deputy Garcia about what happened with [redacted] in the store and about the text messages. She confirmed that she did not call Deputy Garcia prior to Garcia stopping by the store to visit her. After she told Deputy Garcia about [redacted] Garcia left to talk to [redacted] Witness [redacted] has not had any contact with [redacted] since that date.

Witness [redacted] said that the conversation concerning [redacted] with Deputy Garcia was conducted in Spanish.

I asked Witness [redacted] if she has ever talked to Deputy Garcia about other problems that she has had in the past, and she said this was the only time.

SUBJECT INTERVIEW: JORGE GARCIA

On October 29, 2013, I, Lieutenant Tom Bryski, interviewed Subject Jorge Garcia at Santa Clarita Valley Sheriff Station. Subject Garcia waived his right to have a representative present during the interview. I read the Subject Administrative Rights Admonition to Subject Garcia and he signed the form. The interview was recorded. The following is a summary of that interview:

Subject Garcia said he was on-duty and working 64T1/PM with Sheriff Explorer [redacted] on August 24, 2013. Subject Garcia said that he and Explorer [redacted] were at the 7-Eleven store, [redacted]. Garcia's [redacted] who works at the store, told Garcia that a drunk man (Witness [redacted] had been in the store and he was harassing her. The store manager, [redacted] also told Garcia that [redacted] was bothering [redacted] and that he was not welcome back in the [redacted].

[redacted] showed Subject Garcia some Facebook instant messages that [redacted] had sent to her (Exhibit C). Subject Garcia replied to [redacted] by sending him an instant message reply that stated, "Hey [redacted] this is the scv cop, you better stop this texting or I will look for him an arrest your ass for [redacted]

When [redacted] replied that nothing that he texted was a threat, Subject Garcia replied, "But you are harrasing my gf you asshole and u are scaring her so I do not want to see you here anymore." [redacted] sent Subject Garcia his home address.

Subject Garcia said at about 1710 hours, he remembers hearing a 470N (forgery now) call at "Sears" being broadcasted. Garcia said they assigned themselves the assist to that call and started to respond. Subject Garcia said that prior to arriving, a [redacted] was broadcasted, so they went [redacted] on the MDC, but never actually arrived at the call. They instead went to [redacted] house at [redacted] and contacted him.

Once at Mr. [redacted] house, Deputy Garcia said that he introduced himself to Mr. [redacted] and he told him that the manager at 7-Eleven did not want him at the store anymore. He told [redacted] that he was harassing [redacted] and he was drunk while at the store. He also told him he was sending unwanted text messages to [redacted]

I asked Subject Garcia if he told Mr. [redacted] to, "Stay away from my girlfriend or I will fuck you up." He said no, he did not say that to Mr. [redacted]

I asked him if he cursed at Mr. [redacted] while talking to him, and he again said no.

I asked Subject Garcia if he asked Mr. [redacted] "Why are you talking shit about me?" (as alleged by Explorer [redacted] and Subject Garcia said no.

Subject Garcia said that he told Mr. [redacted] that if he goes back to the store, he would be arrested.

I asked Subject Garcia if he ran Mr. [redacted] and his vehicle through his radio car's computer, and he said that he did. He said he ran [redacted] before he got to his house to see if he was on parole or probation, to determine if he would need back up before confronting him. He said he ran [redacted] car to verify his address.

I asked Subject Garcia if he gave two pages of Facebook text messages to Sergeant Allen during the complaint investigation, and he said he did. He said he texted [redacted] just before going to his house and talking to him.

I asked Subject Garcia if he logged the contact with Mr. [redacted] He said he did not log the contact. I asked Subject Garcia why his log showed him at the [redacted] call, when in fact, he was at [redacted] house. He said when he has an explorer ride-along, he allows them to handle the MDC and go [redacted] and [redacted] on calls.

Subject Garcia stated that he went to [redacted] house to handle the situation in a professional manner and to just relay the message from the store manager. He said there were not enough field units for another unit to go with him, so he just went with Explorer [redacted]

DISCIPLINE ASSESSMENT

Review of Applicable Guidelines for Discipline" Sections

The Departments Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

[redacted]

Assessment of Mitigating and Aggravating Factors

Severity of Infraction:

Subject Garcia failed to log a contact, and he cursed in a text message after identifying himself as a deputy sheriff. He handled a situation in which he was personally involved rather than requesting another deputy to assist or handle.

Mitigating Factors:

None

Aggravating Factors:

None

Intent, Truthfulness and Acceptance of Responsibility:

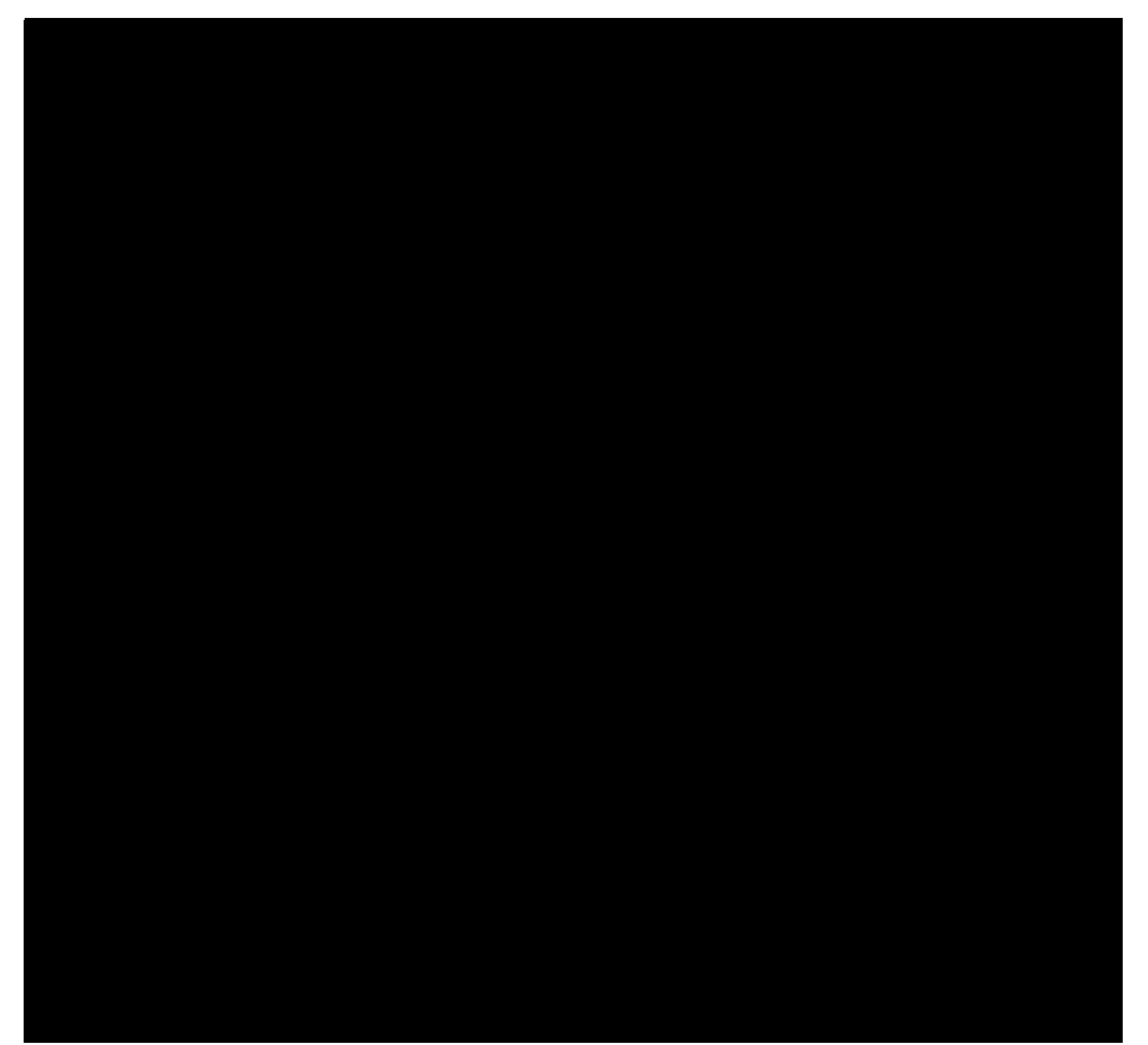
Subject Garcia took responsibility for his actions.

Degree of Culpability:

Subject Garcia was culpable for his actions. He failed to log a contact, and he texted the complainant identifying himself as a "scv cop" and he used profanity in the text message. This was a conscious decision he made, which is in direct conflict with Department Policy. He alone is responsible for his actions.

[redacted]

Garcia, Jorge #[redacted] IV 2343441



[redacted]

[redacted]



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



John L. Scott, Sheriff

April 17, 2014

Deputy Jorge Garcia, #[redacted]

Dear Deputy Garcia:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days.

An investigation under IAB File Number 2343441, conducted by Santa Clarita Valley Station, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/100.35 False Information in Records, on or about August 24, 2013, you failed to log a contact, and/or falsified your log by showing a false location in your shift log when you went to a location in Newhall and contacted Mr. [redacted] while your log showed that you were at a forgery call in Valencia.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Towards Other, on or about August 24, 2013, you identified yourself as a Santa Clarita Valley Station deputy sheriff and used derogatory language in a text message to Mr. [redacted] and/or handled an issue in which you were personally involved, without requesting another deputy or sergeant to handle and/or assist.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Roosevelt Johnson, Captain
Santa Clarita Valley Station

RJ:AEA:md

c: Advocacy Unit
Employee Relations Unit
Jacques A. La Berge, Chief, North Patrol Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2343441)



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



June 9, 2014

Deputy Jorge Garcia, [redacted]

Dear Deputy Garcia:

On April 17, 2014, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2343441. You were also advised of your right to review the material on which the discipline was based.

You did not exercise your right to respond. The grievance period involved has now elapsed, with no change in discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days effective June 12, 2014, through June 14, 2014.

An investigation under File Number IAB 2343441, conducted by Santa Clarita Valley Station, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/100.35 False Information in Records, on or about August 24, 2013, you failed to log a contact, and/or falsified your log by showing a false location in your shift log when you went to a location in Newhall and contacted Mr. [redacted] while your log showed that you were at a forgery call in Valencia.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct

Towards Other, on or about August 24, 2013, you identified yourself as a Santa Clarita Valley Station deputy sheriff and used derogatory language in a text message to Mr. [redacted] and/or handled an issue in which you were personally involved, without requesting another deputy or sergeant to handle and/or assist.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JOHN L. SCOTT, SHERIFF

Original Signed

Roosevelt Johnson, Captain
Santa Clarita Valley Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RJ:AEA:md

c: Advocacy Unit
Jacques A. La Berge, Chief, North Patrol Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Santa Clarita Valley Station/unit Personnel File